

**Ravalli County Planning Board  
Meeting Minutes for May 16, 2007  
3:00 p.m.  
Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Meeting**  
Land Use Clinic Presentation on the US Highway 93 Corridor  
Discussion on Subdivision Regulation Revisions

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting  
may be purchased from the Planning Department for \$5.00.*

**1. Call to order**

**Chip** called the meeting to order at 3:04 p.m.

**2. Roll Call** (See Attachment A, Roll Call Sheet)

**(A) Members**

Mary Lee Bailey (present)  
Dale Brown (present)  
Phil Connelly (present)  
Ben Hillicoss (present)  
Dan Huls (present)  
JR Iman (present)  
Lee Kierig (present)  
Maura Murray (present)  
Chip Pigman (present)  
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

**(B) Commissioners**

Greg Chilcott (absent-excused)  
Howard Lyons (present)  
Alan Thompson (absent-excused)

**(C) Staff**

Alex Beal  
Jennifer DeGroot  
Karen Hughes  
Shaun Morrell  
Tristan Riddell  
Laura Robinson  
Renee Van Hoven

### 3. **Approval of Minutes**

**Chip** asked if there were any corrections or additions to the minutes from May 2, 2007. **Ben** noted there was a wording error on Page 7. The minutes were approved as corrected.

### 4. **Amendments to the Agenda**

There were none.

### 5. **Correspondence**

**Karen** stated that prior to this meeting the Planning Department received more than 100 surveys regarding land use in the US Highway 93 Corridor. She said Staff has not been able to review them yet, but it could be the same survey that was taken last summer by the previous Land Use Clinic students. (See Attachment B, Letter from Belle Belanger – The collection of surveys is available at the Planning Department.)

### 6. **Public Meeting**

(A) Land Use Clinic Presentation on the US Highway 93 Corridor (with County Commissioners)

(i) Presentation

**Karen** stated that Commissioner Chilcott sends his apologies for being unable to attend and that Commissioner Thompson is on vacation. She introduced the University of Montana, School of Law Land Use Clinic. She gave a brief history of how they came to be involved with the Planning Department. She said that their current focus is primarily on suggested design and development standards and wildlife crossing issues, leaving the County to focus on the use/density issues. She stated that this is a preliminary study only intended to be a starting point for discussion.

**Garrett Budds** thanked Karen, the Planning Board, and Staff for the team's invitation to present the project. He then stated that the clinic provides a forum for students to work with clients around the state with regards to land use related projects. He gave a brief overview of the school's history. He introduced his project partners, Kylie Paul, Chad Newman and Joe Shoemaker and gave a brief summary of each one's area of focus within the project. He said that the University of Montana Land Use Clinic was asked to research design and development standards within the US Highway 93 corridor. He stated that the project team developed a series of educational memos that will provide a synthesis of the ideas and concepts which the team has produced throughout the course of their research. He said the conceptual research was produced around a core of three different areas:

- Corridor Residential Standards
- Corridor Commercial Standards
- Corridor Wildlife Standards

He said that Chad developed a map that helped determine the feasibility and applicability of each of the concepts. He said that the project team would like to

talk about concepts of the corridor within a geographic boundary that will be determined by the county. He stated that while they are hopeful that the concepts and tools presented today will be helpful they should not to be construed as a formal proposal, regulation or an ordinance.

He said that they looked at the Executive Summary produced by the Land Use Clinic last year and Ravalli County Growth Policy to try to determine what was important to the Ravalli County residents with regard to residential design and development standards. He offered a few of the concerns noted by the public in the Executive Study:

- Preservation of the view shed
- Maintaining a rural-natural character inherent to the Bitterroot Valley
- Maintaining a community feel throughout the valley and its communities
- Protection of natural resources
- An increase in land use planning to structure and control development
- A protection of open spaces

He said residents wanted to prevent items such as uncontrolled strip development and light and noise pollution.

He stated that to accomplish this in the residential context they researched the ideas of setback and landscape standards as well as lighting standards. Garrett said that with these setbacks and landscaping standards in mind, as a rule, any non-conforming structures would be grandfathered in. He described using setbacks accompanied by landscaping standards to project a corridor style area and help protect the rural feel and the view shed. He stated that the standard would designate a minimum setback distance where no construction would be permitted. Garrett spoke of instances where an alternate setback distance and/or alternative landscaping requirements might be necessary. He said that the setback distance they looked at in the research memo was a minimum of 350 feet.

**Chad Newman** gave a presentation on the maps he had compiled which showed some of the setback standards being discussed. He described a map of Big Creek, north of Victor, which showed wildlife, existing structures, etc.

**Garrett** pointed out the property lines and stated that these properties have a reasonable area to be developed within the property area. He went over the McCalla Creek and North Burnt Fork Creek areas which have sections that could be suitable for development. He discussed North Fork Bear Creek and said that some flexibility would be needed in this area. He discussed parcels from the Corvallis area to Florence. He said that the residential standard would recognize hardships and might need flexibility in some areas and that it was not intended to be a one-size fits all. He asked the Planning Board to take a look at this issue and consider the concept to see if they want to pursue this type of corridor protection.

**Joe Shoemaker** discussed commercial standards and stated that, like the residential standards, they had taken their cues from the Ravalli County Growth Policy and Executive Summary. He said that it appears that landscaping, parking, lighting and design standards are of high interest. He said that the commercial

regulations can be substantially more sophisticated than the residential standards. He talked about lighting and stated that lighting was a concern in these five areas:

- Glare
- Light trespass
- Visual clutter and confusion
- Artificial sky glow
- Energy usage

He said that each of these issues could be addressed by the use of appropriate fixtures, appropriate wattage, minimum and maximum lighting, appropriate ways to light building facades and businesses, maximum heights for light poles in parking lots and setting appropriate times to turn the lights off to allow for time to enjoy the night sky.

He discussed landscape and stated that the primary purpose would be to reclaim the surface that was disturbed during development, to anchor the development that is occurring, and avoid a sea of asphalt in the parking lot areas. He said the project team thought it would be nice to incorporate native species into the landscape and/or those that are well-adapted to the area. He explained well-adapted plants as species that are fairly self-sustaining on the average amount of rainfall to the area. He said some supplemental irrigation would be required especially during the establishment phase. He said that due to the expense, sprinklers might need to be addressed as an installation requirement so that the plant investment is protected. He described the use of green space and soft space, which could be used as a buffer between the public right-of-way and the development including the interior parking lots. He stated that the project team recommends a minimum amount of space, to be determined by the County, which could be covered by landscape.

He talked about off-street parking requirements. He said that the square-footage of the building and the type of business and building could be used to determine the square-footage for parking requirements. He commented on the square-footage of each parking space, dimension requirements for driving lanes and how far the setback to the parking lot might need to be, which might also need to be landscaped. Joe stated that there were other things to consider, such as what might be the appropriate use of the parking lot: parking only or maybe allowing for seasonal retail or storage. He said that (with commercial regulations) the County has more latitude to be more stringent. He talked about maximum accesses that should be allowed to and from a public right-of-way. He stated that too many access points off the highway might be problematic. He recommended that the Planning Board give an eye to this when going through the process. He suggested that a meeting with MDT might be in order at the start of the process.

He addressed commercial building structure options and asked that consideration be given to the style, such as whether the County would want uniform buildings or those with more of a visual interest. He discussed material options, rooflines, skylines, and interesting angles. He stated that through research he has learned that rooftop materials have to be hidden. He talked about creating a façade with the buildings where one building would appear as multiple buildings. He also discussed accessory buildings and asked if the County would want them to mimic the building they are near or if any style would be acceptable.

**Kylie Paul** presented her work on wildlife aspects of US Highway 93 and land around structures. She discussed road-kill and options for channeling wildlife under the highway using wildlife crossing structures to produce safer wildlife movement. She stated that research shows that wildlife will use the crossing structures, particularly when channeled by the addition of fencing. She said that the ability for the wildlife to cross is necessary due to seasonal requirements for food and cover, search for new mates, and to allow genetic interchange. She stated that MDT is currently in the process of installing 31 wildlife crossing structures on US Highway 93 in Ravalli County in the form of large and small culverts and bridge extensions during retro-fitting. She said that MDT is concerned about land use next to these structures because for animals to use them, they need to feel safe. She said that disturbance from human activities and human structures run the risk of frightening the animals, which in turn would keep them from using the crossings. She said that in these instances if an animal chooses not to use the tunnel, this could prolong human safety issues and be a waste of Montana tax dollars. She said that MDT approached Ravalli County in regards to land use around the crossing structures to help ensure the effectiveness of them. She stated that the method she had worked on was a buffer setback approach within an overlay zoning district. She said that since the crossing structures are permanent and put in for current use by wildlife, everyone should want to maintain those movements. She said that the overlay zoning districts have very specific regulations that overlay other zoning and that this practice is fairly common throughout the nation. She said that the buffer setback approach would allow safe areas for wildlife by limiting any new disturbance within a specified distance. She said the setback would provide an area where human activities can occur but new structures cannot be added. She stated that items with provisions would be things that wildlife are particularly sensitive to, such as vegetation removal in the buffer, stipulations with pets, fencing, and allowing low-impact recreation and other activities. She said that in order to allow affected land owners the flexibility to which they are entitled, there is a provision to shift density to unrestricted areas of the parcel and if a hardship is incurred there is a variance process suggested in the model. She said that the distances suggested are based on literature on wildlife movement needs, discussions with local and regional wildlife biologists and examples of wildlife habitat regulations across the region. She presented maps with examples and clarified some of the details listed on the maps.

**Garrett** said that the Land Use Clinic would provide electronic copies of their research to the Planning Department, which will then be available to the public.

(ii) Board Discussion

**Phil** asked if the use of frontage roads was considered and stated that they were used across the country as a buffer and to help limit access points.

**Garrett** said this was considered and the project team thought this might take part in a bigger conversation with MDT regarding access points. He stated that there are some neat ideas with cluster commercial developments with access off of a side road and suggested that Ravalli County might offer incentives to encourage developers to take access points off US Highway 93.

**Joe** said these concerns were beyond the scope of the Land Use Clinic's project.

**Bob** requested further discussion on commercial setbacks.

**Joe** said that he was not certain how much of a setback would be appropriate for commercial areas. He suggested landscape development as a shield and a buffer.

**Lee** stated that using a front façade building design would alleviate the appearance of a sea of asphalt.

**Ben** asked Kylie if she had any suggestions for a wildlife setback.

**Kylie** stated that she had come up with a 100-foot buffer on either side of a stream plus an additional 100-foot setback. She stated that it might be too complex to have a buffer and a setback. If so, then she would suggest limiting it to a 150-foot buffer.

**Les** asked if there were State restrictions prohibiting landscaping on the right-of-way in the proximity of existing commercial structures.

**Garrett** stated that he was not sure if this could be taken up independently. He said that he has seen this in other states and believes it is a State function. He suggested the possibility of a multi-jurisdictional approach where the County might work with the State to accomplish this.

**Karen** said that she did not know of anything that would prohibit landscaping, but she believes a situation like this would have to go through the encroachment process to ensure the development would meet with State approval.

**Bob** said that MDT has not maintained the bike-trail in the Florence area and asked who would pay to maintain this in Ravalli County.

**Garrett** stated that this could be worked into a commercial landscape scheme where the businesses would be required to maintain it.

**Ben** stated that the Civic Club has been taking care of this in some areas of Florence, but in others they have an agreement with the State and they take care of it right up to the highway. He stated that he believes this is doable for Ravalli County.

(iii) Public Comment

**Jimmy Canton** stated that the 350-foot residential setbacks would calculate out to about forty acres per mile and asked if these land owners would receive some type of compensation or special tax break. He also stated that 350 feet would consume many individual lots and was concerned about removing all usability.

**Garrett** stated that the Land Use Clinic had not crunched the tax numbers but instead had thrown in some alternative uses such as a required common space or green space within a certain number of developable structures. He also said that if a property landed entirely in the setback, there would be an alternative for

individuals such as a 150-foot setback. He noted there may be sections where this would not be workable.

**Jimmy** asked if the Land Use Clinic had factored in, or if there was any kind of a study to show, the amount of criminal activity in an area based on the amount of light available.

**Garrett** stated that this was not something they had researched.

**Lee** said that there is no substantial study to corroborate the fact that high light decreases crime and in fact, in some areas, it results in an increase of crime. He said that it would be a good idea to create security with cutoff lighting and technology that would activate the lights upon approach. He said that the information and systems are out there for any business owner who might be interested in implementing a high-tech lighting system. He stated that lighting systems are currently being used by security companies.

**Garrett** said that there are many types of lighting, bulbs, directional shields, etc. to consider. He said that using directional shields to down-cast light would keep businesses and residences lit to the satisfaction of owners while getting rid of the sky glow and glare. He stated that there are several organizations that offer information on these types of lighting systems. He said that the Land Use Clinic has enjoyed working on this project and would like to continue to work with Ravalli County.

## (B) Discussion on Subdivision Regulation Revisions

### (i) Staff Presentation

**Tristan** gave a brief overview of proposed changes to the Subdivision Regulations. He stated that there was quite a bit of housekeeping, which should make it easier to read. (See Attachment C, Update to Subdivision Regulation revisions)

The Planning Board discussed common development plan requirements, variances, orchard tracts, condominium developments and road standards.

**Chip** asked if the Board was going to run into an issue where the County no longer wants to take responsibility for whether they do or do not own specific roads. He asked if the County could require the applicant to upgrade and maintain a road to a new standard if ownership is in question.

**Alex** said that if there is a public easement across a road, the County is fine if the owners do not want the road paved, but the County would have a problem if they did not allow the County to widen the road.

**Les** asked if this would change the number of road variances submitted.

**Karen** stated that the number of variances processed has been reduced after changing the road standards during previous regulation revisions.

(ii) Public Comment

**Terry Nelson** with Applebury Survey said that he likes the proposed changes to the Subdivision Regulations and believes they will be very helpful. He asked, in reference to the pro rata share definition, why the Road and Bridge Department would have the ability to confirm or deny someone the State has licensed.

**Tristan** said that the Road Department's concern was being able to do a detailed cost estimate. He said that Dave Ohnstad simply wanted to be able to review it.

**Terry** said that the county does not have a licensed engineer. Therefore, a licensed engineer by default would be more qualified than anyone in the Road Department. He stated that he could see where this could get into personality conflicts.

**Karen** said that the Road Department wants to review the Average Daily Traffic and cost estimates. She and Tristan agreed that this was a wording issue and that it would be corrected.

**Terry** asked, in reference to Section 3-1-5 (a) (xxviii) if the Weed District wants the Noxious Weed Evaluation form approved as an Element review item or something that would be approved by the Weed Department before obtaining Sufficiency. He stated that there would be seasonal issues that would affect the timeliness of processing. He said that this will set it up so a county department is not governed by any type of time frame and believed that would cause problems.

**Karen** stated that the Planning Department would be willing to discuss options with the Weed District.

**Terry** suggested that the applicant submit a receipt showing the form had been submitted.

**Karen** said that the Weed District would want to approve what is written on the form.

**Tristan** stated that he would contact Bryce to see if something can be worked out.

**Terry** said, in reference to requiring Road Counts he was under the impression that there would not be a time limit on the road counts.

**Tristan** stated that these would be required for major subdivisions and that would be a way for the Planning Department to determine whether a traffic impact analysis would be required. He said they would be submitted with the road plans.

**Terry** asked if the Planning Department was tracking road counts so they are not duplicated. He asked if the Planning Department could help track this information.

**Karen** stated that when this information is available at the Road Department, it could be obtained without having to perform a road count.



**Terry** said that he would prefer the Planning Department do the tracking to help avoid the \$25 fee imposed by the Road Department.

(iii) Board Discussion

**Ben** said that public controversy exists because the Road Department does not always upgrade roads to County standards and asked if this was still an issue with new subdivision applications. He said that there have been times when landowners would pay for improvements and then the County would widen the road and move some trees. He asked if this would then be considered a County-standard road.

**Karen** said that an engineer would be required to make that determination. She said that it might be a good idea for the Planning Board to invite David Ohnstad to speak at a meeting. She suggested that the Planning Board come up with topics and let David know what issues they would like to address. She asked Jennifer to send out a query to the Planning Board asking them to respond with topics for discussion and organize these for presentation to David.

(iv) Board Decision

**Dan** moved to recommend approval of the Subdivision Regulation revisions.

**Ben** seconded the motion.

The vote was called; the members voted (11-0) to recommend the Subdivision Regulation revisions for adoption by the Board of County Commissioners.

7. **Communications from Staff**

**Karen** stated that Ravalli County received a \$100,000 Grant for LiDAR mapping. She said that the Planning Department could apply for this grant again in two years.

**Chip** asked if the LiDAR mapping would be available to the public through the Planning Department's website.

The Planning Board and Staff discussed the possibility of making the LiDAR mapping available to the public.

**Karen** said that she was not sure what type of initial investment it would take to make that happen.

8. **Communications from Public**

There were none.

9. **Communications from Board**

(A) Update on Open Lands Board (Phil Connelly)

**Phil** updated the Planning Board on the Open Lands Board. He said that the County Commissioners have adopted the bylaws. He stated that the Open Lands Board is happy with the criteria at this time and are working to determine the minimum points required. He said that the scoring sheet will not be the only thing used to determine a request. He explained the sections on the application and the point system.

The Planning Board discussed the application process.

#### 10. **New Business**

There was none.

#### 11. **Old Business**

##### (A) Discussion of Streamside Setback Committee Appointment

**Ben** said that he was still interested in being the representative. He said that he has been on the Planning Board for approximately four years. He said that he owns two pieces of property, both with creeks running through them, totaling 220 acres. He stated that he is retired and that he has bought nineteen houses in his lifetime, so he has a fair amount of real estate experience. He stated that he is active in the Florence School District, has been active in the Florence Civic Club for over a decade and has served as a Volunteer Firefighter for the Florence Volunteer Rural Fire Department. He also said that he is very involved with the Land Use Subcommittee.

**Lee** nominated Ben.

**Phil** seconded the nomination.

**Maura** nominated JR.

The vote was called by secret ballot; the members voted by majority to appoint Ben as the Planning Board Representative to the Streamside Setback Committee.

##### (B) Presentation of Sustainable Population Maps

**Lee** presented three maps to the Planning Board and Staff outlining what the Bitterroot Valley could possibly look like at three different intervals in the future. He said that he did a simple density distribution where each dot represents about 25 people. He said that he believes it is important for the people of the valley to say at this time how far they can go before this valley is saturated and done. He stated that he has heard that there is about three and one-half trillion gallons of water in the ground so we would need to be concerned with water quality. He said that he was looking for a sanction from the Planning Board, because he would like to make copies of these maps and begin sharing this information with the public. He stated that the Planning Board should care because this is about the future, balance, life and vitality.

The Planning Board discussed quantity of people and acreage.

**Les** suggested that this discussion would be best handled in a smaller group or committee at this time with a follow-up presentation to the Planning Board. He suggested starting discussions at the Land Use Subcommittee meetings.

**Chip** asked the Planning Board to table the discussion at this time.

**Lee** said he would like a nod from the Planning Board that they were willing to pursue this.

**Chip** said that this would be an ongoing Planning Board discussion.

12. **Next Regularly Scheduled Meeting: June 6, 2007 at 7:00 p.m.**

- (A) Discussion and Recommendation on Planning Board Bylaws
- (B) Discussion on Planning Board Involvement in Subdivision Review

13. **Adjournment**

**Chip** adjourned the meeting at 5:29 p.m.